

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**MARQUETTA CARZELL, LUELLA  
CARTER, and GLADYS CHEGE, on  
Behalf of Themselves and All Others  
Similarly Situated,** )  
Plaintiffs, )  
vs. )  
**LIFE OF THE SOUTH INSURANCE  
COMPANY and INSURANCE  
COMPANY OF THE SOUTH,** )  
Defendants. )

) CIVIL ACTION NO.:  
1:15-cv-3260-WSD

**DEFENDANTS' MOTION FOR LEAVE TO FILE OPPOSITION TO  
MOTION TO REMAND EXHIBITS UNDER SEAL**

Defendants Life of the South Insurance Company (“LOTS”) and Insurance Company of the South (“ICOTS”) (collectively the “Defendants”), respectfully move this Honorable Court for leave to file under seal certain documents submitted as “Exhibit 1” and “Exhibit 2” in support of Defendants’ Opposition to Motion To Remand (the “Opposition”) in connection with the Class Action Complaint (D.E. 1-4) (“Complaint”) filed by Plaintiffs Marquette Carzell, Luella Carter, and Gladys Chege (collectively, “Plaintiffs”) in the Superior Court of Fulton County, State of

Georgia, and removed by Defendants to the Northern District of Georgia, Atlanta Division (D.E 1). As grounds for this motion, Defendants state as follows<sup>1</sup>:

1. Plaintiffs filed the Complaint in the Superior Court of Fulton County, State of Georgia against Defendants based on insurance policies that were sold to Georgia citizens in connection with small loans originated by World Acceptance Corporation a/k/a World Finance Corporation (“World”). *See generally* Complaint.
2. Each of Plaintiffs’ three proposed classes is based on “Georgia citizens” who used World as their “agent in the State of Georgia.” *Id.* at ¶ 147(i)-(iii).
3. On September 16, 2015, Defendants timely filed a Notice of Removal, removing this purported class action under the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d), and 28 U.S.C. §§ 1441 and 1446. (D.E. 1). In the Notice of Removal, Defendants explained that this Court has subject matter jurisdiction under section 1332(d) because: (i) this was a class action, in which (ii) there are at least 100 members in the Plaintiffs’ proposed class, (iii) members of the plaintiff class were citizens of a state different from any defendant and members of the plaintiff class were citizens of a foreign state and Defendants were

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<sup>1</sup> A proposed order is attached hereto as Exhibit A.

a citizen of a State, and (iv) the aggregate value of the claims exceeds \$5,000,000. (D.E. 1, at \*3-4).

4. On September 28, 2015, Plaintiffs filed a Motion to Remand and Memorandum of Law in Support, seeking to have the case remanded to the Superior Court of Fulton County. (D.E. 4). In pertinent part, Plaintiffs argued that the case should be remanded because Defendants could not prove that minimal diversity existed under 28 U.S.C. § 1332(d)(2). (D.E. 4, at \*5-10).

5. Under 28 U.S.C. § 1332(d)(2)(B), minimal diversity is met when “any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State.” 28 U.S.C. § 1332(d)(2)(B)

6. To establish the facts pertaining to the foreign citizenship of certain members of Plaintiff’s proposed class, Defendants submit two exhibits that contain restricted information under Federal Rule of Civil Procedure 5.2. *See American General Life Ins. Co. v. Margolis Family I, LLC*, No. 1:07-cv-230-JEC, 2008 WL 857436, at \*2 (N.D. Ga. Mar. 28, 2008) (granting motion for leave to file documents under seal where the Court “found that the documents filed under seal contain confidential information”) (citation omitted).

WHEREFORE, Defendants respectfully move this Honorable Court for leave to file under seal “Exhibit 1” and “Exhibit 2” submitted in support of Defendants’ Opposition to Motion To Remand.

Respectfully submitted this 13th day of October, 2015.

/s/ Alexander B. Feinberg

Alexander B. Feinberg

GA Bar No.: 956505

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**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(D)**

Pursuant to N.D. Ga. Local Rule 7.1(D), the undersigned counsel certifies the foregoing Motion for Leave to File Opposition to Motion to Remand Exhibits Under Seal has been prepared with 14 point Times New Roman Font, which is one of the font and point selections approved by the Court in Local Rule 5.1(B).

*/s/ Alexander B. Feinberg* \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of October, 2015, I served a copy of the foregoing on all parties and/or counsel of record by using the CM/ECF system and/or U.S. Mail, postage prepaid and properly addressed, as follows:

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